

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIK HARBIN,

Defendant.

CAUSE NO. 3:15-CR-40 DRL-SJF

OPINION AND ORDER

Erik Harbin, proceeding *pro se*, filed a letter the court construes as a motion seeking reconsideration of the sentence imposed for violations of his conditions of supervised release and placement at a specific correctional facility. The court generally “may not modify a term of imprisonment once it has been imposed.” 18 U.S.C. § 3582(c). There are limited circumstances—for instance, when the court needs to correct a scrivener’s error, *see* 18 U.S.C. § 3582(c)(1)(B); Fed. R. Crim P. 35, when the sentence presents cause for post-conviction *habeas corpus* relief, *see* 28 U.S.C. § 2255, or when a petition for compassionate release presents “extraordinary and compelling reasons” for a reduction, 18 U.S.C. § 3582(c)(1)(A)(i). None of these avenues afford Mr. Harbin the relief he seeks. He only repeats arguments the court already considered at the final revocation hearing.

Further, Mr. Harbin has already filed a notice of appeal for the sentence [108]. Finally, as explained to Mr. Harbin at the hearing, the Bureau of Prisons alone has the statutory authority to designate a defendant’s place of imprisonment. 18 U.S.C. § 3621(b).

Accordingly, the court DENIES Mr. Harbin’s requests [107].

SO ORDERED.

January 15, 2025

s/ *Damon R. Leichty*
Judge, United States District Court